



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

September 16, 2004

Mr. Ronald Sutton, Jr.
McCrone, Inc.
111 South West Street, Ste. 6
Dover, DE 19904

RE: PLUS review – PLUS 2004-08-14; Little Creek Meadows

Dear Mr. Sutton:

Thank you for meeting with State agency planners on September 1, 2004 to discuss the proposed plans for the Little Creek Meadows project to be located on the north side of Little Creek Road and the East side of Route 1 in the City of Dover.

According to the information received, you are seeking site plan approval through the City of Dover for a 120 unit residential subdivision on 160.5 acres.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the City of Dover is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

This project represents a major land development application that will result in approximately 120 residential units East of Route 1 in the City of Dover. This project is located in Investment Level 3 according to the June 3 version of the 2004 State Strategies for Policies and Spending, which has been approved by the Cabinet Committee for State Planning Issues. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or

areas that may have environmental or other constraints to development. However, the project's location East of State Route 1 is of particular concern.

It is the State's policy to discourage new growth East of State Route 1. Starting with the historic Coastal Zone Act, State actions have encouraged natural resource and agricultural preservation rather than growth and development in this area of Kent County. Tens of millions of dollars have been spent by the State and Federal governments and by private conservation organizations to protect and preserve the natural environment and sustain a vibrant agricultural area that occupies some of the best farmland in the State.

Our office would like to further note that the City of Dover is party to a Memorandum of Understanding dated April 13, 1999 between the State, the City and the County. This MOU originated due to the events surrounding the State allocating funding to purchase the Garrison Tract for economic development purposes (at the time it was proposed to be a computer chip manufacturing plant). Understanding that the location of this parcel was East of SR1, and that the location of a major economic development site in this area would impact our long standing policy regarding development East of Route 1 the MOU was developed. The purpose of the MOU was to articulate the understanding and desire among all parties that the Garrison Tract would be the only developed area East of Route 1. Towards this end, all parties agreed to not extend utilities to any project East of Route 1 unless all jurisdictions updated their plans to indicate that such an extension is desirable. The MOU also obligates the City of Dover to "strongly adhere to the existing comprehensive plan and zoning designation for the remaining areas east of SR1 which support agricultural uses and low density development."

This project is inconsistent with land use plan, goals and intent of the City of Dover's Comprehensive Plan as certified by the State. The area in question is designated "Active Agriculture" in Dover's plan. The Land Development Plan, pages 152 – 153 describes the goal for agricultural land uses in Dover as follows:

"To support the continuation of existing active agricultural uses as a viable and important component of the land use and open space mix in Dover, especially where agricultural lands form logical transitions between developed areas in the City and rural, agricultural areas in the County."

This section goes on to indicate that the City will follow the policies of evaluating the impact of new development on active farming operations (especially those which are in the farmland preservation program, such as the adjacent parcel to this application) and collaborate with the County and the State regarding agricultural preservation on the periphery of the City. In addition, pages 161 - 162 in the Growth and Annexation Plan chapter further detail the unique characteristics of the lands East of State Route 1, notes the terms of the MOU, and again signals that the City is willing to

collaborate with the County and the State to determine “the best strategy for land use and infrastructure investments in this area.”

While we acknowledge that some development is permitted on this site through the City’s Agricultural Zoning District, the State is opposed to this project as presented. It is a violation of the long standing State policy of encouraging natural resource and agricultural preservation in this area of Kent County, is a clear violation of the existing Memorandum of Understanding dated April 13, 1999, and is inconsistent with Dover’s Comprehensive Plan as certified by our office. State funding is not expected to be available to support the development of this site. However, DelDOT informs us that State funding has been allocated to purchase the development rights from this parcel in accordance with our policy promoting agricultural and natural resource preservation East of Route 1. Please see the DelDOT comments below and the attachment for more information.

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

The State Historic Preservation Office does not favor this proposal because it is east of Route 1. Furthermore, they do not favor it because of the following reasons:

First, the property is listed in the National Register of Historic Places as part of the Little Creek Hundred Rural Historic District. The development would have an adverse effect on the property’s historic significance and listing. As the National Register nomination states: The historic district and the properties within were listed because of the “historically and architecturally significant area of the historic rural central Delaware landscape during the last half of the eighteenth century and first half of the nineteenth century. . . . The mid-eighteenth century. . . permanent dwelling were constructed. These dwellings were all substantial brick buildings and are physical evidence of the quick rise to prosperity that the fertile soils provided. . . . They include the 1770 Hanson Farm. . . .” The subject property is known as the Hanson Farm. The property’s association with the historic rural and agricultural contexts would be diminished with the proposed development.

Second, there is a National Register listed archaeological site, known as the Hughes-Willis site, just north of the subject property, on the other side of the creek. This is a very important prehistoric archaeological site, being “one of the largest prehistoric village sites known in Delaware. . . . The major occupation represented is the Late Woodland Slaughter Creek Phase of lower Delaware and the southern part of the Delmarva Peninsula. Artifacts of this culture are not commonly found as far north as the Hughes-Willis Site.” There is a high probability for other similar prehistoric archaeological sites within the development area.

If the development takes place, the SHPO would like the developers to provide landscaping on the west edge of the development to act as visual buffers from the historic structures. They would also request that the development stay out of the wooded area near the creek and provide an open space buffer from the edge of the development to the

wooded area, in order to preserve any archaeological sites. The developers intend to keep the existing house and outbuildings, which are currently being rented. It is hoped that the house will be preserved and not intentionally neglected with hopes of future demolition due to deteriorating condition caused by neglect. This is an important resource and could be an amenity to the proposed development, if approached sensitively. Staff from the SHPO would be happy to visit the site with the owner and developers to offer technical advice on the condition of the house and rehabilitation work. If the buildings continue to be rented, any rehabilitation work would be eligible for state and federal historic preservation tax credits. Please contact Anne McCleave at 302-739-5685.

Finally, if there is any federal involvement with this project, in the form of permits, licenses, or funds, the federal agency is responsible for considering effects to cultural and historic resources.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The proposed development is inconsistent with DelDOT's intent to purchase development rights on Route 8 east of Route 1, as authorized in the Fiscal Year 2002 Bond Bill. The attached memorandum dated May 7, 2002, provides background information on our efforts in this regard.

Presently the appraisal process is in progress for the acquisition of the subject lands. DelDOT expects to make an offer to the owner, Cartanza Farms, L. P. in March 2005. For this reason, DelDOT is opposed to the development.

More information on DelDOT's efforts in the Route 8 corridor or with regard to this particular parcel may be obtained from their Assistant Director for Real Estate, Mr. Wayne Rizzo. Mr. Rizzo may be reached at (302) 760-2228.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-3091

The Department does not support development east of SR-1. Since the final decision on whether or not the property will be developed resides with the local jurisdiction, DNREC submitted their comments as if the property will be developed.

Soils

According to the Kent County soil survey, Matapeake, Matapex, Othello, and Johnston were mapped in the immediate vicinity of the proposed construction. Matapeake is a

well-drained upland soil that has few limitations for development. Matapex is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Othello is a poorly-drained wetland associated (hydric) soil that has severe limitations for development. Johnston is a very poorly-drained soils associated with floodplain wetlands (**hydric**).

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine forested, forested riparian, and scrub-shrub wetlands on this site.

Impacts to Palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process.

Because there is strong evidence that federally regulated wetlands exist on site, **a wetland delineation, in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1) should be conducted. Once complete, this delineation should be verified Corps of Engineers through the Jurisdictional Determination process.**

To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

It is important to note that both DNREC and Army Corps of Engineers discourage allowing lot lines to contain wetlands to minimize potential cumulative impacts resulting from unauthorized and/or illegal activities and disturbances that can be caused by homeowners.

Vegetated buffers of no less than 100 feet should be employed from the edge of the wetland complex and other waterbodies on site.

Further, it is recommended that the Farm Services Agency of the USDA be contacted to assess whether the farmed wetlands on subject parcel meet the recognized criteria for classification as “prior converted wetlands.” Prior converted wetlands are farmed wetlands that have drained or altered before December 23, 1985, and no longer meet the wetland criteria established under the 404 program. Such wetlands are considered

exempt from regulatory protection provided that there is no proof of a continuous “fallow period” of five years or greater in that parcel’s cropping history. Parcels converted after said date regardless of cropping history are considered jurisdictional by the Army Corps of Engineers (ACOE). The contact person for assessing a parcel’s cropping history is Sally Griffin at the USDA – she can be reached at 678-4182.

It should also be noted that this parcel contains sensitive headwater riparian wetlands associated with the Herring Branch and the Little River. Headwater riparian wetlands and their associated streams are important for the protection of water quality and the maintenance/integrity of the ecological functions throughout the length of the stream, including the floodplain system downstream. Since headwater streams are a major avenue for nutrient-laden stormwater and sediment runoff, their protection deserves the highest priority. **In recognition of this concern, the Department strongly recommends that the applicant preserve the existing natural forested buffer adjacent to the Little River in its entirety.**

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the Leipsic and Leipsic River subwatershed, of which this parcel is part, are scheduled for completion in December 2006.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts associated with development.

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule.

Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Water Resource Protection Areas

The western half of this site is located in a wellhead protection area for City of Dover Water (see map). This is the general area that is proposed to be the focus of the development activity according to the site plan presented. Wellhead protection areas are surface and subsurface areas surrounding a public water supply well where the quantity and quality of groundwater moving toward such wells may be adversely affected by land use activities. According to the State law that created the Source Water Protection Program, county and municipal governments will be required to enact ordinances to protect Water Resource Protection Areas. The following language has been excerpted from the draft Source Water Protection Guidance Manual for Local Governments, Supplement 1 - Ground-Water Recharge Design Methodology. While the language is currently draft and the local ordinances are not yet in place, the developer may find the language useful in modifying the site plan to protect the excellent recharge area.

Water Resource Protection Areas (WRPAs) are defined as (1) surface water areas such as floodplains, limestone aquifers, and reservoir watersheds, (2) wellhead areas, or (3) excellent recharge areas. The purpose of an impervious cover threshold is to minimize loss of recharge and protect the quality and quantity of ground and surface water supplies in WRPAs.

New development in WRPAs may exceed the 20 % impervious cover threshold, but be no more than 50 % impervious, provided the applicant submits an environmental assessment report recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis.

Commonly, the applicant offsets the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water.

The Department recommends the following (ranked in order of preference):

- 1) Preserve WRPAs as open space and parks by acquisition or conservation easement.
- 2) Limit impervious cover of new development to 20 % by right within WRPAs.
- 3) Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that directly infiltrate rooftop runoff.

- 4) Allow impervious cover of new development to exceed 20% within WRPA's (but no more than 50% impervious) provided the applicant develops recharge facilities that infiltrate stormwater runoff from forested and/or grassed surfaces with pretreatment.

Drainage

The proposed project is in the White Oak Tax Ditch. Coordination for future maintenance is essential and the Drainage Section requests the developer and or engineer contact the White Oak Tax Ditch to ensure adequate access to the existing right-of-way is established. Alteration of the tax ditch would require a formal court order change from the White Oak Tax Ditch. The Drainage Section requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water.

Habitat

A review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at or adjacent to this project site. However, there is an active Bald Eagle nest south of this site and because the Little River serves as a roosting and foraging area, we strongly recommend maintaining the forested buffer (at least 100ft, preferably 300ft) along the river and any associated wetlands.

Revegetation

DNREC requests that no invasive species be used in the revegetation of disturbed areas. A list of species considered invasive in Delaware can be found on the DNHP web site, <www.dnrec.state.de.us/fw/invasive.htm>. DNREC further recommends the use of native plants and their Botanist, Bill McAvoy can be contacted at (302) 653-2880 to assist you in developing a plant list.

Nuisance Species

If stormwater management ponds are included as part of the project design, DNREC recommends that they be landscaped to deter resident Canada geese. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. However, native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area around ponds, are not as attractive to geese because they do not feel as safe from predators and other disturbance when their view of the area is blocked. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife

professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Natural Areas

This project borders land currently listed on Delaware's Natural Areas Inventory. Natural Areas contain lands of statewide significance identified by the Natural Area Advisory Council as the highest quality and most important natural lands remaining in Delaware. Consideration should be given to protecting these resources during design and construction of this project. The developer should investigate dedicating the Natural Area as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the Office of Nature Preserves at 739-3423.

The Hughes-Willis site is an archeological site containing Native American artifacts dating back to 200 A.D. This site is listed on the National Register of Historical Places and located on the north side of Little Creek adjacent to the northeast corner of the proposed project. DNREC encourages the developer to incorporate as much of the site as possible into open space planning and to allow the Archaeological Society of Delaware to excavate any part of the site that would be affected by construction.

Recreation

It is recommended that sidewalks be built fronting every residence, stub streets and along Little Creek Road. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities 2) provide opportunities for neighbors to interact in the community and 3) facilitate safe, convenient off-road access to neighboring communities, public mass transit stops, schools, stores, work etc.

DNREC encourages the designer/builder to involve the Dover Parks and Recreation Department in the recreation components of this project. Zack Carter can be reached at (302) 736-7050.

The Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2003-2008 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor recreation facilities. The high and moderate facility needs in Kent County are listed below. Consideration should be given to incorporate some of these recreation opportunities into the project. For additional information about the outdoor recreation priorities, contact Bob Ehemann at 739-5285.

High Priorities

Walking or Jogging Paths

Moderate Priorities

Skate Facilities

Bike Paths	Hiking Trails
Swimming Pools	Baseball/Softball Fields
Picnic Areas	Campgrounds
Playgrounds	Soccer Fields
Fishing Areas	Volleyball Courts
	Basketball Courts
	Canoe/Kayak Access

Air Quality

Air pollution threatens the health of human beings and other living things on our planet. While often invisible, pollutants in the air create smog and acid rain, cause cancer or other serious health effects, diminish the protective ozone layer in the upper atmosphere, and contribute to the potential for world climate change. Breathing polluted air can have numerous effects on human health, including respiratory problems, hospitalization for heart or lung disease, and even premature death. Some can also have effects on aquatic life, vegetation, and animals.

Once complete, vehicle emissions associated with this project are estimated to be 9.2 tons (18,418.7 pounds) per year of VOC (volatile organic compounds), 7.6 tons (15,249.5 pounds) per year of NOx (nitrogen oxides), 5.6 tons (11,251.3 pounds) per year of SO₂ (sulfur dioxide), 0.5 ton (1,001.6 pounds) per year of fine particulates and 770.4 tons (1,540,704.8 pounds) per year of CO₂ (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 1.5 tons (2,944.4 pounds) per year of NOx (nitrogen oxides), 5.1 tons (10,241.3 pounds) per year of SO₂ (sulfur dioxide) and 755.3 tons (1,510,588.8 pounds) per year of CO₂ (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 3.7 tons (7,429.1 pounds) per year of VOC (volatile organic compounds), 0.4 ton (817.4 pounds) per year of NOx (nitrogen oxides), 0.3 ton (678.3 pounds) per year of SO₂ (sulfur dioxide), 0.4 ton (875.4 pounds) per year of fine particulates and 15.1 tons (30,116.0 pounds) per year of CO₂ (carbon dioxide)

	VOC	NO _x	SO ₂	PM _{2.5}	CO ₂
Mobile	9.2	7.6	5.6	0.5	770.4
Residential	3.7	0.4	0.3	0.4	15.1
Electrical Power		1.5	5.1		755.3
TOTAL	12.9	9.5	11.0	0.9	1540.8

The Department of Natural Resources and Environmental Control is asking that local jurisdictions consider mitigation to help resolve this issue. Mitigation might involve limiting large new developments to growth zones, focusing development to urban areas capable of providing mass transit services, requiring more energy efficient homes which would lessen air quality impacts, and promoting walkability and bikability within and between developments and town centers.

Underground Storage Tanks

There are no LUST sites located near the proposed projects. However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

Department of Agriculture - Contact: Mark Davis 739-4811

DDA has noted that this property is located east of SR1 and on the southern boundary of the “Conrad Expansion”. If this parcel were to be developed, then the below cited language from Delaware Code is applicable.

If a proposed new subdivision borders or is near an agricultural preservation district, then the owner of the preservation district is entitled to the following use protections, quoted from the Delaware Code:

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

“This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.”

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees. (68 Del. Laws, c. 118, § 2.)

DDA suggests that a forested buffer be maintained between the proposed subdivision and all adjacent properties in active agricultural use. In addition, a forest buffer should be maintained for those pre-existing residential properties and along all streams, wetlands, and river that border the proposed subdivision.

The developer should consider a diverse landscape plan that uses Delaware native tree and shrub species and encourages the “Right Tree for the Right Place” concept.

Public Service Commission - Contact: Andrea Maucher 739-4247

The PSC has verified that the project is within a certificated are for the City of Dover.

If Dover has not already done so, they will need to notify the Commission of the areas to which it is providing wastewater services.

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Delaware State Housing Authority – Contact: Karen Horton 739-4263

The proposal is located east of SR 1 and in an area that has been targeted for preservation. DSHA encourages land use proposals consistent with that use. Therefore, they oppose this proposal, as the location of the site appears to be inconsistent with where the State and County would like to see new residential development.

Delaware Emergency Management Agency – contact Don Knox 659-3362

A significant impact to public safety is foreseen by implementation of this project, due to the number of residential units being constructed. The developer should notify the police, fire service, and emergency medical response organization serving the City of Dover, to keep them apprised of all development activities.

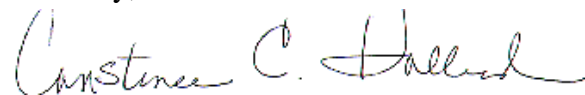
Portions of this property are located in the Special Flood Hazard Area inundated by the 100 and 500-year flood. A portion of this area is subject to possible flooding from a category 2 hurricane.

In addition, Routes 1, 8, and 13 are coastal storm evacuation routes and this development will add to the traffic volume on these routes during a coastal storm event.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

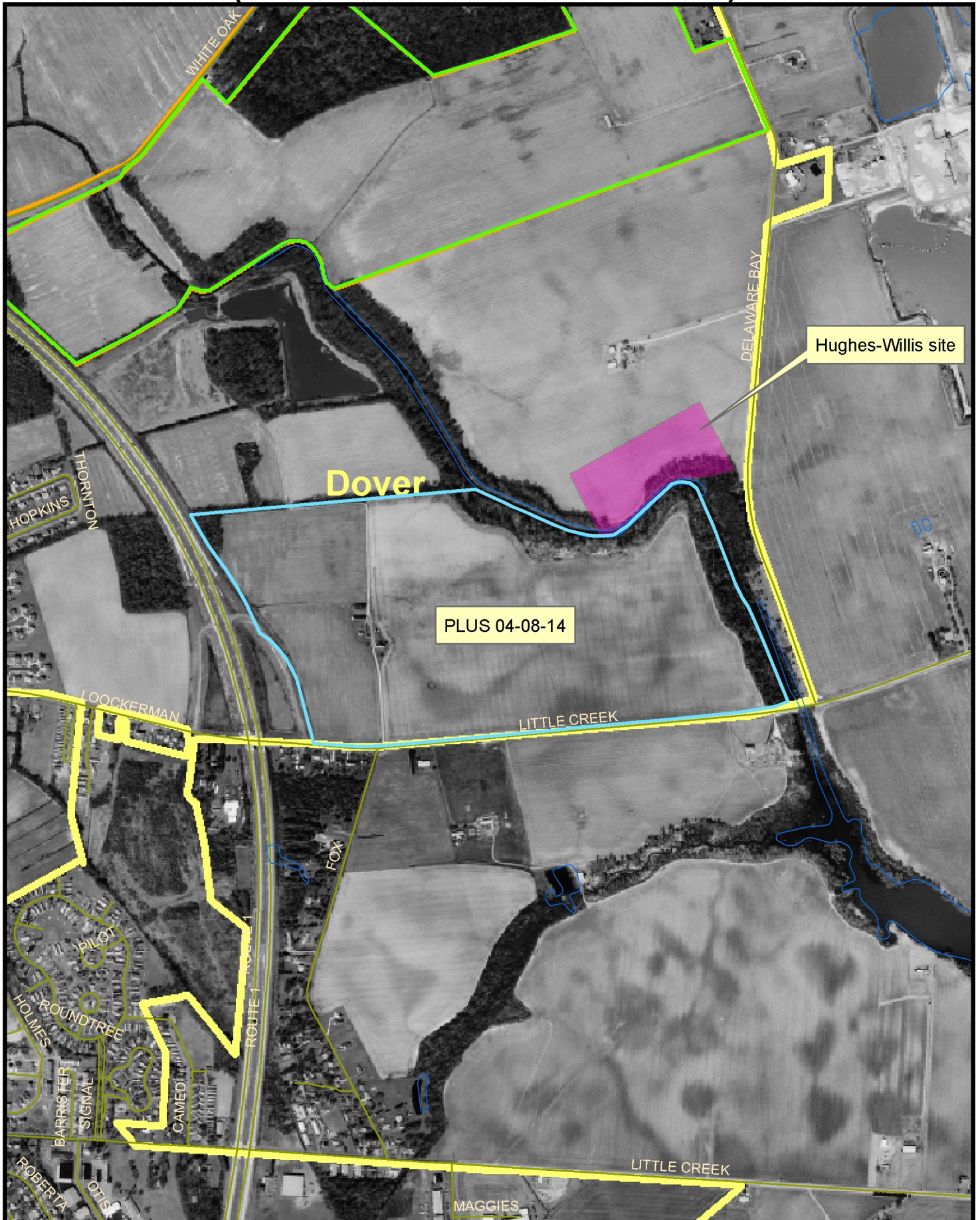
Sincerely,

A handwritten signature in dark ink, appearing to read "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being more prominent.

Constance C. Holland, AICP
Director

CC: City of Dover

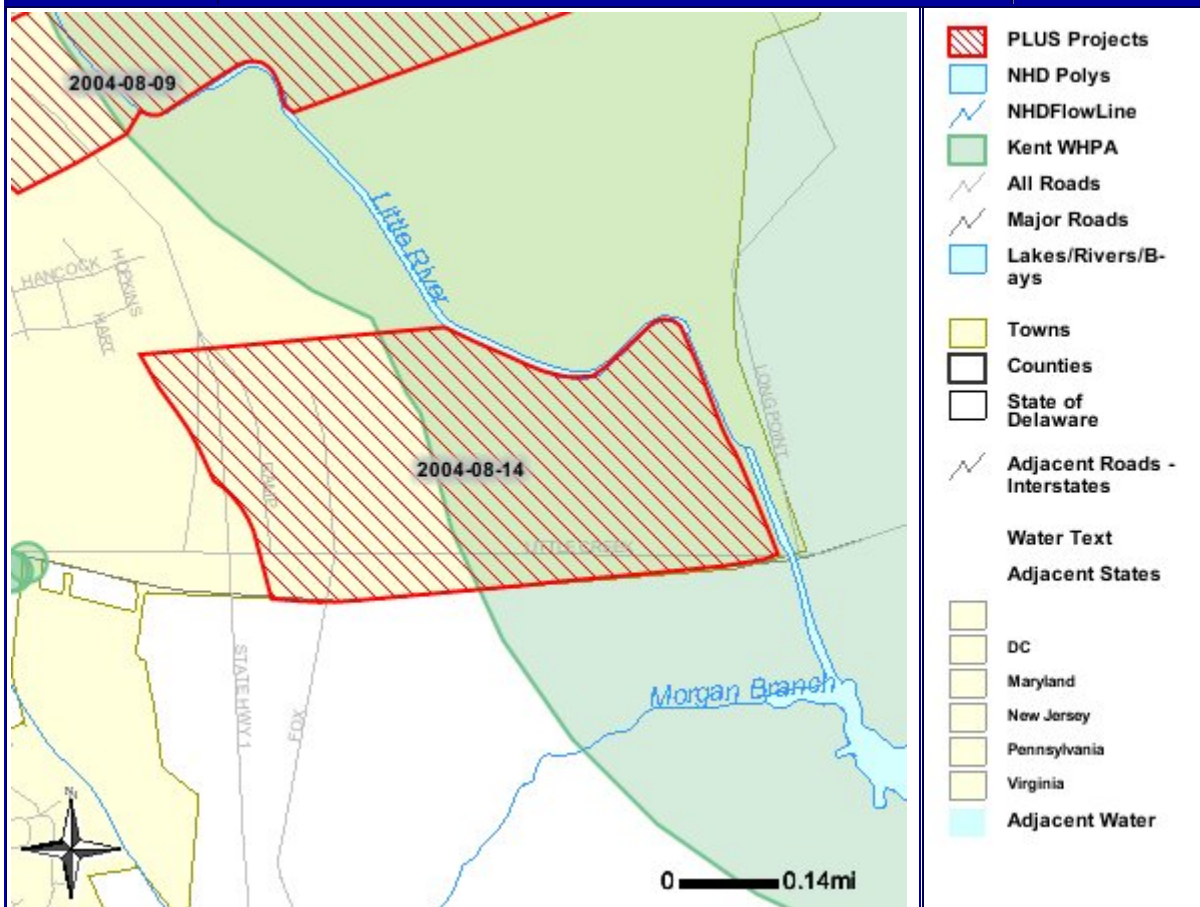
PLUS 04-08-14 Little Creek Meadows (120 lots on 160.5 acres)



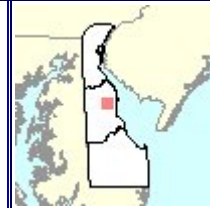


Little Creek Meadows

2004-08-14



This map was produced by the Delaware Department of Natural Resources and Environmental Control.





STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION

MEMORANDUM:

MEMORANDUM

TO: Carolann Wicks, P.E.
Director of Transportation Solutions

FROM: Darren O'Neill, P.E. *Don*
SR1 Project Manager

DATE: May 7, 2002

SUBJECT: State Contract No. 22-110-01
SR1, SR8 Partial Interchange
PURCHASE OF DEVELOPMENT RIGHTS



The purpose of this memo is to inform you of the status of the Purchase of Development Rights (PDR) initiative and to solicit your comment on the action described under the Recommendation section at the end of the memo.

Background:

DelDOT recognized that secondary impacts may occur to resources in the SR8 study area as a result of the partial interchange construction. DelDOT committed to work with the local community and resource agencies to identify and evaluate the feasibility of methods to minimize these possible impacts. As a result, DelDOT received authorization and state funding in the FY 2002 Bond Bill for the specific purpose of purchasing development rights from parcels adjacent to SR 8 between SR 1 and SR 9. The PDR supports the planned land use of this area as identified by the following agencies:

- The Kent County Growth Zone map shows that land east of SR 1 is planned to remain in agricultural use.
- The Governor's Cabinet Committee on State Planning Issues identified the portion of the study area that is within Kent County on the Strategies for State Policy and Spending map as being located in a Rural Area.



Delaware Department of Transportation

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- The Department's Long-Range Transportation Plan (SLRTP) adopted in 1997 shows the area along SR8 east of SR1 to be within a Preservation Investment Area (PIA).
- The Delaware Agricultural Lands Preservation Program has accepted several of the parcels into their 10-year preservation program, with the majority of the parcels believed to now be in their fifth year of the program.
- Some of the parcels also fall within the Accident Potential Zones and/or are subject to noise impacts associated with the operations at the Dover Air force Base. Both Kent County and the City of Dover have ordinances that restrict or impose additional conditions on parcels within the APZ's.

The SR1, SR8 Partial Interchange Project was authorized \$3.09 million in FY 2002. This money included funds for the Needs Study, Preliminary Engineering, Construction, R/W and the SR8 Traffic Mitigation Study. Another \$3.0 million is scheduled to be authorized in FY 2003.

PDR Status:

Subsequent to the passage of the 2002 legislation, the SR1 Project Team has been working with the DelDOT Real Estate Section to identify the parcels affected by the legislation and evaluate their potential for development.

As shown on the enclosed map, there are a total of 24 parcels that are adjacent to SR8 between SR1 and SR9. These parcels have been tentatively numbered 800-806 for the 7 parcels on the north side of SR8 and 810-826 for the 17 parcels on the south side of SR8. The total area of these parcels is approximately 1,368 acres.

Representatives from Real Estate and Century Engineering evaluated these parcels with regards to current zoning and land use ordinances and also interviewed land use officials from Kent County and the City of Dover. The result was a prioritization of the parcels into 3 groups based on perceived potential for development beyond current use. This prioritization along with other relevant information on the parcels is shown in the enclosed tabulation of Land Use Constraints Evaluation.

After the prioritization process, preliminary costs for purchasing the development rights from the 4 parcels, totaling 492.5± acres, in prioritization Group 1 were estimated. This total cost is approximately \$1.9 million and includes the cost of appraisal and acquisition services.

The owners of the individual parcels were then determined and are shown on the enclosed SR8 Property Owner List. It was discovered that some of the Prioritization Group 1 owners also owned parcels in the other prioritization groups. The cost of purchasing the development rights for all Group 1 parcels plus the other parcels also owned by those persons were estimated. This total cost is approximately \$3.4 million and includes the cost of appraisal and acquisition services. With these included, the only remaining property lands to be purchased are a individual homes an a church.

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Recommendation:

It is recommended to pursue the purchase of development rights from all of those parcels identified in Prioritization Group 1 and those parcels in Groups 2 and 3 that are also owned by persons owning parcels in Group 1. The funds remaining from the FY 2002 authorization and the upcoming \$3.0 million to be authorized in FY 2003 should be sufficient for the total estimated cost of \$3.4 million.

Enclosed is a draft of the letter that would be sent to the property owners to initiate the PDR process.

If there are any questions, please feel free to contact me.

Enclosures

- c. Wayne Rizzo, Chief Real Estate ✓
Eric Savage, Real Estate Appraisals Manager
Alan Marteney, Century Engineering
John Giangrant, Century Engineering
File